

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT NOLAN BOWERS,

Plaintiff,

v.

ABERDEEN POLICE DEPARTMENT,

Defendant.

CASE NO. 3:21-cv-05303-MJP-JRC

ORDER

This matter is before the Court on defendants' motion to stay ("motion"). Dkt. 4. Defendants move to stay this civil proceeding pending the end of plaintiff's parallel criminal proceeding in state court filed on May 4, 2021. Dkt. 4. Plaintiff did not file any opposition to the motion. *See* Dkt.

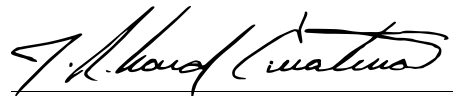
Plaintiff's criminal charges arising out of an incident on January 27, 2021 are currently proceeding in Grays County Superior Court and the case was set for trial beginning May 25, 2021. Dkt. 5, Declaration of Counsel for Defendants. Plaintiff is charged with burglary in the first degree, assault in the third degree, and resisting arrest. *Id.* In April 2021, this case was

1 removed from state court. Dkt. 1. Plaintiff alleges the officers involved in his January 2021
2 arrest used excessive force. Dkt. 1, 2. Discovery has not yet begun in this case and a scheduling
3 order has not been has been issued. *See* Dkt.

4 The Constitution does not ordinarily require a stay of civil proceedings pending the
5 outcome of criminal proceedings. *Keating v. Office of Thrift Supervision*, 45 F.3d 322 (9th Cir.
6 1995); *Federal Sav. & Loan Ins. Corp. v. Molinaro*, 889 F.2d 899, 902 (9th Cir. 1989). In the
7 absence of substantial prejudice to the rights of the parties involved, simultaneous parallel civil
8 and criminal proceedings are unobjectionable. *Keating*, 45 F.3d at 324. Nevertheless, a court
9 may decide in its discretion to stay civil proceedings when the interests of justice require such
10 action. *Id.*

11 Before the Court is able to make a determination on defendants' motion to stay, the Court
12 orders defendants to file a status update on or before June 23, 2021. Defendants are directed to
13 apprise the Court of plaintiff's proceedings in his criminal case and whether plaintiff's criminal
14 trial has concluded. The Clerk of Court is directed to re-note the pending motion for June 23, 2021.

15 Dated this 17th day of June, 2021.

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18 J. Richard Creatura
19 Chief United States Magistrate Judge
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